

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Transcript Designation and Ordering Form

U.S. Court of Appeals Case No. 06-16199 U.S. District Court Case No. 03-CV-00385 SOM-LEKShort Case Title Wayne Berry v. Hawaiian Express Service, Inc., et al.Date Notice of Appeal Filed by Clerk of District Court June 21, 2006**SECTION A - To be completed by party ordering transcript**

| HEARING DATE(s) | COURT REPORTER | PROCEEDINGS(strike portion not desired) |
|-----------------------------|----------------|---|
| <u>See Attached Ex. "A"</u> | | <u>Voir Dire</u> |
| | | <u>Opening Statements</u> |
| | | <u>Settlement Instructions</u> |
| | | <u>Closing Arguments</u> |
| | | <u>Jury Instructions</u> |
| | | <u>Pre-Trial Proceedings</u> |
| | | <u>Other (please specify)</u> |

(additional page for designations if necessary)

- () I do not intend to designate any portion of the transcript and will notify all counsel of this intention.
- () As retained counsel (or litigant proceeding in pro per). I request a copy of the transcript and guarantee payment to the reporter of the cost thereof upon demand. I further agree to pay for work done prior to cancellation of this order.
- () As appointed counsel I certify that an appropriate order authorizing preparation of the transcript at the expense of the United States has been, or within 5 days hereof will be, obtained and delivered to the reporter. I agree to recommend payment for work done prior to cancellation of this order.

Date transcript ordered 8/21/2006 Estimated date for completion of transcript _____Print Name of Attorney Timothy J. Hogan Phone Number 528-9721Signature of Attorney Address Lynch Ichida et al. 1132 Bishop Street, Suite 1405, Honolulu, Hawaii 96813**SECTION B - To be completed by court reporter**

I, _____ have received this designation.

(signature of court reporter)

- () Arrangements for payment were made on _____
- () Arrangements for payment have not been made pursuant to FRAP 10(b).

_____ Approximate Number of Pages in Transcript--Due Date _____

SECTION C - To be completed by court reporter

When the transcript is filed, complete this section and submit to the U.S. district court with the completed transcript. The district court will not file the transcript without this completed form.

Date transcript filed _____ Court Reporter's Signature _____

SECTION D - To be completed by the Clerk

U.S. DISTRICT COURT CLERK: I certify that the record is available in the office of the U.S. District Court.S

| | | |
|-----------------------------|--------|--------------|
| <u>Sue Beitia</u> | | BY: _____ |
| (U.S. District Court Clerk) | (date) | DEPUTY CLERK |

In response to the PCT Designation of Transcript received August 21, 2006, Plaintiff Appellant Wayne Berry hereby Orders and designates the following additional transcript.

| Hearing Date | Court Reporter | Matter | Docket No. or Date Filed |
|--------------|----------------|-------------------|--------------------------------------|
| 01/18/2005 | Debra Chun | Hearing on MSJ | Hearing Minutes at Docket No. 401 |

Exhibit “A”